

Nays—Senators Allison, Ball, Bradshaw, Bradley, Davenport, Dillard, Hobby, Moore, Parker and Trolinger.—10.

A message was received from the House, announcing that the House had concurred in Senate concurrent resolution, "fixing next Tuesday, the twenty-fourth instant, at 9 A. M., as the time to meet in joint session for the consideration preferred in the address against Judge L. W. Cooper, of the Third Judicial District.

The President of the Senate submitted the following communication from his Excellency Governor Coke:

EXECUTIVE OFFICE, }
AUSTIN, March 20, 1874. }

Hon. R. B. Hubbard, President of the Senate:

I have the honor to acknowledge the receipt of your communication, of the nineteenth instant, with enclosures, showing the adoption by the requisite constitutional majority by the House over which you preside, of an address to the Executive, requiring the removal of Hon. J. B. Williamson, from the office of judge of the Sixth Judicial District.

I have the honor to state that I received to-day from the Hon. Guy M. Bryan, Speaker of the House of Representatives of Texas, a communication informing me that the same address was adopted in the House, by the requisite constitutional majority. I beg leave respectfully through yourself to inform the Senate, that I have performed the duty devolved on the Executive by this joint action of the two houses, by addressing a note to the Hon. J. B. Williamson, at Marshall, in Harrison county, removing him from the office of judge of the Sixth Judicial District, and declaring said office vacant, a copy of which note, accompanies this communication.

Very respectfully, your obedient servant,

RICHARD COKE, Governor.

Copy of letter to Hon. J. B. Williamson:

EXECUTIVE OFFICE, }
AUSTIN, March 20, 1874. }

Hon. J. B. Williamson, Judge of the Sixth Judicial District, Marshall, Texas:

SIR: The Legislature of the State of Texas, by a two-thirds vote of each house, have adopted and transmitted to me an address, requiring, for causes spread upon the records of said two houses, of which you have been duly notified, your removal from the office of Judge of the Sixth Judicial District of Texas. I therefore, as Governor of Texas, in pursuance of the duty devolved on me by the Constitution, in virtue of this action of the Legislature, do hereby remove you from the office of judge of the Sixth Judicial District, and declare said office vacant. Very respectfully,

RICHARD COKE, Governor,

On motion of Senator Ireland the Senate adjourned.

FIFTY-SIXTH DAY.

SENATE CHAMBER, }
AUSTIN, March 21, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by Rev. Mr. Wright, of Austin.

Journal of yesterday read and adopted.

On motion of Senator Hobby, Senator Baker was excused until Monday next.

On motion of Senator Westfall, Major Leigh Chambers, calendar clerk, was excused for to-day, to attend court.

On motion of Senator Bradley, Senator Wood was excused indefinitely.

Senators Bradshaw, Ledbetter, Ireland and Swift presented petitions of citizens of Cherokee county, praying that the Legislature do not divide Cherokee county. Read and referred to Committee on Counties and County Boundaries.

Senator Swift presented a petition of John Lucas, of San Augustine county, asking relief. Read and referred to Committee on Private Land Claims.

Senator Ball introduced a bill entitled "An act to amend articles 220 and 250 of the Code of Criminal Procedure." Read first time and Referred to Judiciary Committee.

Senator Bradley offered the following resolution.

Resolved, That the resolution heretofore adopted, requiring the Senate to meet at 9 o'clock A. M., be, and the same is hereby, rescinded.

Read and laid over under the rules.

Senator Ireland, chairman of Judiciary Committee, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 210, "An act to regulate the pay for guards and keeping prisoners by sheriffs," ask leave to return the same, and recommend that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 56, "An act to regulate the collection of accounts from another State, or from another county in this State than that in which suit is brought," ask leave to return the same, with the recommendation that it do pass, as amended by the House.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 180, "An act to exempt earnings of laborers, mechanics and artisans, to a certain extent, from the payment of debts by legal process," ask leave to return the same with the following amendment: Strike out all after the word

"law," section one, line ten, of the bill and recommend its passage as amended.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred House bill No. 233, "An act to enable clerks of the district court in certain counties, to qualify as Justices of the Peace," ask leave to return the same with the recommendation that it do not pass. There is a more comprehensive bill on the same subject now pending in the Senate.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary to whom was referred House bill No. 167, "An act to amend section one of an act entitled 'An act regulating elections,' approved March 31, 1873, ask leave to return the same, with the recommendation that it do not pass, for the reason there is a Senate bill which embraces the same subject matter.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred House bill No. 234, "An act to enable one person to hold two or more offices in certain counties," ask leave to return the same, with the following amendments:

Strike out the word "four" in section one, line three, of the bill, and insert in lieu thereof the word "seven," and also strike out the second section, and recommend that the bill, as amended, do pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 190, "An act to provide for the removal of certain officers," ask leave to return the same, and recommend its passage.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 242, "An act to provide for the removal from office of district attorneys, sheriffs, district clerks and other officers, and for filling vacancies in such offices," ask leave to return the same, with the accompanying substitute, and recommend the passage of said substitute.

IRELAND, Chairman.

The title of the substitute referred to is, "An act to provide for the removal from office district attorneys, sheriffs, district clerks and other officers, and for filling vacancies in such offices."

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 174, "An act to limit and define the rights of mortgages upon growing crops," ask leave to return the same, and recommend that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

The Committee on Judiciary, to whom

was referred the matter of address against William Chambers, judge of the First Judicial District, have had the papers referred to it under advisement. It is not manifest from the papers themselves what duty was expected of the committee with reference to this matter. It was, however, supposed that there were two questions involved, upon which the opinion of the committee was desired.

First. Is it competent for the Legislature to take cognizance of an address against a judge on charges upon which he had been put on trial on articles of impeachment and acquitted?

The committee might well have stopped short of a determination of this question, upon the ground that there was no admission or proof before the committee—that the charges now preferred are the same upon which an impeachment trial had taken place. But, waiving this point and assuming that this proposition could be answered in the affirmative, the committee were unanimous in the opinion that there is no provision of the Constitution or laws prohibiting an investigation of such charges, after acquittal on impeachment, and that therefore it might be done if the Legislature thought proper.

That provision of the Constitution which says that the citizen shall not be twice put in jeopardy of life or limb for the same offense has no application to trials of this character, if indeed they be trials in any legal sense.

The latter part of section four, article eight, of the Constitution says, speaking of impeachments, "but the parties convicted shall, nevertheless, be subject to indictment, trial and punishment according to law."

This shows quite plainly that the framers of the Constitution did not regard either impeachment or address in the light of a trial, as known and understood at common law, nor in the sense of a trial, as used in the twelfth section of the bill of rights.

The other question is as the committee suppose. If the matters set forth in the address constitute grounds of impeachment, can they be made the basis of address.

On this question there was some doubt expressed by members of the committee, but, the committee is of opinion that this would make no difference. It is supposed that this is a privilege extended to the government and if it sees proper to pursue the milder course of address in which no disabilities follow conviction, as in impeachment, that it might do so. Holding at the same time that if it should resort to the harsher remedy to get rid of an officer and virtually disfranchise him, it should be only done for grave offenses against the government and its laws. The committee, therefore are of opinion that both these questions must be an-

swered in the affirmative. It may be said that exceptions to many of the articles of impeachment, which raised the question as to the right to impeach upon matters and charges less than high crimes and misdemeanors were overruled. But in the case of impeachment of Judge Chambers, the whole demurrer was passed upon at once, and the real grounds for overruling it was, that, inasmuch as the high court of impeachment, was the judge of the law and the facts, that a demurrer, as known to the rules of pleading, would not lie.

The committee does not feel itself called upon to express any opinion in regard to the policy of entertaining the charges now presented, but leaves that question to be decided by the Senate.

IRELAND, Chairman.

Senator Ireland introduced the following resolution:

Resolved. That the Committee on Constitutional Amendments be and is hereby instructed to report among other amendments to the Constitution the following: "The abolition of section forty-six, article twelve, which prohibits the Legislature from requiring personal services on public roads." "The abolition of that part of section six, article five, which provides for three terms of the district court in each year." "The amendment of the franchise clause so as to prohibit the elector from exercising his right to vote until he shows that he has paid such poll tax as the Legislature may see fit to levy." "That said committee be instructed to take into consideration the question of whether the judges of the Supreme Court should not be elected by the people?" "Whether section forty-four, article twelve, which prohibits usury laws from being enacted should not be abolished?" "Whether a county, whose territory is reduced to nine hundred square miles, should have its territory taken away at all by the Legislature?" "Whether the Legislature should not meet once in two years, instead of once every year?"

Read and referred to Committee on Constitutional Amendments.

Senator Ireland moved to take up the message of the Governor, sent in some days since, the same being a veto of his Excellency, on Senate bill No. 32, "An act to amend 773b of an act, entitled 'An act to establish a Criminal Code for the State of Texas.'"

The message was read, which was as follows:

EXECUTIVE OFFICE, /
AUSTIN, March 16, 1874. /

To the Honorable Senate of the State of Texas:

I return herewith, without my approval, and respectfully ask a reconsideration by you of Senate bill No. 32, being "An act to amend 773b of the penal code."

The fifth subdivision of this act makes a failure to perform a promise upon which property is acquired, however honestly made at the time, if afterwards fraudulently broken, a felony, to be punishment by confinement in the penitentiary not less than two nor more than five years. It is an amendment to the act defining and punishing swindling, but is repugnant to it in a most essential particular, in this, that, under the act as it stands, the fraudulent intent must exist at the time the property is acquired, whereas the amendment in this bill will make a transaction, entirely honest at the time of the acquisition, equally criminal if the promise is afterwards broken. Our statutes defining theft, robbery and swindling—all three criminal modes of acquiring possession of property, differing but little, if at all, in moral turpitude—make the fraudulent criminal intent at the time of the acquisition, absolutely essential to the guilt of the party. If he comes into possession of property lawfully, or with honest intent, and afterwards determines to appropriate it fraudulently to his own use, the party is not guilty of theft. So of swindling, if a party gets possession of property on a promise or pledge, which he honestly intends to perform at the time, this intention, excludes the false or deceitful devise, or fraudulent representation, which must be present to constitute swindling. These statutes simply follow, and are declaratory of the common law on these subjects, and are believed to be identical with the statute laws of most, if not all of the States of the Union on the same subject. This bill proposes a fundamental departure from principles of criminal law, sanctioned by the wisdom and experience of ages, by rendering unnecessary that which has always been heretofore deemed an indispensable ingredient in the offense of swindling, and is irreconcilably at war with the first clause of the act which it amends where swindling is defined. In legal effect it makes a failure to comply with a promise to deliver property a felony, when the promiser received a valuable consideration at the time of making the promise, and this, although the promiser may have, at the time he made it, been perfectly honest and have used no fraud or deception or device. The failure to deliver money, is excepted in this bill. If that exception had not been made, I take it that a failure fraudulently to pay a promissory note when due, would have subjected the maker to prosecution for swindling under this bill. The law cannot undertake to punish every immoral or dishonest act, and in defining acts which shall be punished as crimes, I deem it best that we shall not depart from ancient and approved definitions, or create new offenses,

unless the necessity for it is manifest. I can well see how honest men who, from misfortune, are unable to comply with a promise or pledge, may frequently be charged under this bill with a fraudulent breach, and how instead of a proceeding for punishing crime it might be resorted to by unworthy persons to force the collection of debt.

A creditor in a criminal prosecution could testify as to his understanding of a verbal contract and send the debtor, whose mouth is closed, he not being permitted to testify, to the penitentiary because the two differed in their construction or recollection of the contract. A knowledge of this advantage might prompt a creditor to urge, and a debtor to pay an unjust claim. The Penal Code already provides punishment for those who fraudulently dispose of mortgaged property. It occurs to me that to go beyond this, which requires that the mortgage shall be in writing and recorded to the extent contemplated in this bill, would open the door wide to oppression and fraud, and to a prostitution of the criminal jurisdiction of the courts to private and personal ends.

Very respectfully, RICHARD COKE.

A message was received from the House announcing the passage of Senate bill No. 49, "An act to regulate the testimony of witnesses in cases of bribery;" also, Senate bill No. 273, "An act making an appropriation for the *per diem* pay of the members and the *per diem* pay of the officers and employees of the Fourteenth Legislature of the State of Texas;" also, that the House had concurred in Senate amendment to House bill No. 4, "An act to fix the *venue* in certain cases."

A message was received from the Governor; message read as follows:

EXECUTIVE OFFICE, 1

AUSTIN, March 21, 1874.

To the Honorable Senate of the State of Texas:

I respectfully ask your advice and consent to the following appointments, to-wit:

W. R. Miller, to be notary public, Anderson county.

R. M. Jackson, to be notary public, Anderson county.

A. G. DuPuy, to be notary public, Anderson county.

J. W. K. Bryan, to be notary public, Anderson county.

G. D. Dalby, to be notary public, Bowie county.

M. M. McElhanev, to be notary public, Bell county.

R. T. Elliott, to be notary public, Bell county.

L. K. Tarver, to be notary public, Bell county.

O. P. McGuinnis, to be notary public, Bastrop county.

John P. Jones, to be notary public, Bastrop county.

James Perry Bryan, notary public, Brazoria county.

Anthony Metcalf, to be notary public, Brazoria county.

Wm. Fort Smith, to be notary public, Brazoria county.

Jas. R. Evans, to be notary public, Brazos county.

Hiram Hanover, to be notary public, Brazos county.

A. C. Breitz, to be notary public, Brazos county.

T. E. Hammond, to be notary public, Burnet county.

C. G. Baker, to be notary public, Burnet county.

P. A. Cook, to be notary public, Burnet county.

Christian Hess, to be notary public, Cameron county.

James McCoppin, to be notary public, Calhoun county.

Henry L. Grigsby, to be notary public, Clay county.

W. L. Fletcher, to be notary public, Clay county.

Henry Whaley, to be notary public, Clay county.

J. B. Self, to be notary public, Cook county.

James D. Naylor, to be notary public, Collin county.

John L. Doherty, to be notary public, Coryell county.

A. J. Duckworth, to be notary public, Fannin county.

W. W. Hazlewood, to be notary public, Falls county.

J. A. Martin, to be notary public, Falls county.

R. H. Pierce, to be notary public, Grayson county.

A. M. Erskine, to be notary public, Guadalupe county.

James Greenwood, to be notary public, Guadalupe county.

James P. Collins, to be notary public, Gonzales county.

Elisha Terry, to be notary public, Hamilton county.

P. H. Adamson, to be notary public, Hamilton county.

Jesse M. Morris, to be notary public, Hopkins county.

J. M. Brackenridge, to be notary public, Jackson county.

J. F. Smith, to be notary public, Kaufman county.

Young Berger, to be notary public, Lamar county.

W. M. Johnson, to be notary public, Leon county.

W. P. Brown, to be notary public, Limestone county.

W. O. Barnett, to be notary public, McLennan county.

Edgar Hawkins, to be notary public, Matagorda county.

George Paschal, to be notary public, Menard county.

J. J. Callan, to be notary public, Menard county.

R. C. Long, to be notary public, Milam county.

T. M. Freeman, to be notary public, Milam county.

John T. Stark, to be notary public, Newton county.

J. H. Stephens, to be notary public, Montague county.

H. N. Richards, to be notary public, Montague county.

J. S. Munn, to be notary public, Refugio county.

Phillip Skillman, to be notary public, Rockwall county.

Martin Jernigan, to be notary public, Smith county.

Robert M. Newton, to be notary public, San Saba county.

E. A. Stocking, to be notary public, San Jacinto county.

R. T. Robinson, to be notary public, San Jacinto county.

Thomas Slade, to be notary public, San Jacinto county.

W. T. Hill, to be notary public, San Jacinto county.

John S. Riddle, to be notary public, Titus county.

D. R. Reynolds, to be notary public, Titus county.

C. C. Cummings, to be notary public, Tarrant county.

M. J. Brinson, to be notary public, Tarrant county.

C. L. Thurmond, to be notary public, Victoria county.

John Alexander, to be notary public, Washington county.

D. V. Grant, to be notary public, Williamson county.

Samuel C. Taylor, to be notary public, Williamson county.

Gwynn Morris, to be notary public, Grimes county.

Very respectfully,

RICHARD COKE.

On motion of Senator Westfall, he was permitted to take from the calendar a petition for the relief of S. B. Buckley.

On motion of Senator Westfall, the petition was referred to the Committee on Finance.

Senator Ball introduced a bill entitled "An act to amend section nine of an act entitled 'An act to adopt the common law of England, to repeal certain Mexican laws, and to regulate the marital rights of parties,'" approved June 20, 1840. Read first time and referred to Judiciary Committee.

Senator Ireland moved that the veto message of the Governor on Senate bill No. 33,

"An act to amend article 773b of an act entitled 'An act to establish a criminal code for the State of Texas,'" be referred to the Judiciary Committee. Carried, and the message so referred.

On motion of Senator Westfall, the Senate went into executive session.

IN SENATE.

The Secretary was instructed to inform his Excellency the Governor that the Senate does advise and consent to the appointment of all the following nominations named in his message:

For notaries public: Anderson county—W. R. Miller, R. M. Jackson, A. G. DuPuy and J. W. K. Bryan.

Bowie county—G. D. Dalby.

Bell county—M. M. McElhenny and R. T. Elliott.

Bastrop county—O. P. McGuinnis, John P. Jones.

Brazoria county—James Perry Bryan, Anthony Metcalf and Wm. Fort Smith.

Brazos county—Jas. R. Evans, Hiram Hanover and A. C. Breitz.

Burnet county—T. E. Hammond, C. G. Baker and P. A. Cook.

Cameron county—Christian Hess.

Calhoun county—James McCoppin.

Clay county—Henry L. Grigsby, W. L. Fletcher and Henry Whaley.

Cook county—J. B. Self.

Collin county—James D. Naylor.

Coryell county—John L. Doherty.

Fannin county—A. J. Duckworth.

Falls county—W. W. Hazlewood and J. A. Martin.

Grayson county—R. H. Pierce.

Guadalupe county—A. M. Erskine and James Greenwood.

Gonzales county—James P. Collins.

Hamilton county—Elisha Terry and P. H. Adamson.

Hopkins county—Jesse M. Morris.

Jackson county—J. M. Brackenridge.

Kaufman county—J. F. Smith.

Lamar county—Young Berger.

Leon county—W. M. Johnson.

Limestone county—W. P. Brown.

McLennan county—W. C. Barnett.

Matagorda county—Edgar Hawkins.

Menard county—George Paschal and J. J. Callan.

Milam county—R. C. Long and T. M. Freeman.

Newton county—John T. Stark.

Montague county—J. H. Stephens and H. N. Richards.

Refugio county—J. S. Munn.

Rockwall county—Phillip Skillman.

Smith county—Martin Jernigan.

San Saba county—Robert M. Newton.

San Jacinto county—E. A. Stocking, R. T. Robinson, Thomas Slade and W. T. Hill.

Titus county—John S. Riddle and D. R. Reynolds.

Tarrant county—C. C. Cummings and M. J. Brinson.

Victoria county—C. L. Thurmond.

Washington county—John Alexander.

Williamson county—D. V. Grant and Samuel C. Taylor.

Grimes county—Gwynn Morris.

Also, that the Senate does advise and consent to the appointment of J. W. Posey, of Williamson county, as notary public.

The special order being the consideration of the substitute offered by Senator Wood for House bill No. 128, "An act to provide for the protection of the frontier of the State of Texas against the invasion of hostile Indians, Mexicans or other marauding or thieving parties," the title of the substitute being "An act to provide for the protection of the frontier," it was taken up.

(Senator Ireland in the chair.)

Senator Bradley moved to postpone the consideration of the special order under consideration until Monday next, at 10 A. M., make it a special order for that day and hour, and to continue as said special order from day to day until disposed of. Lost.

Senator Dillard moved that the Senate go into a committee of the whole. Carried.

IN SENATE.

Senator Swift moved that the substitute offered by Senator Wood be adopted. Lost.

Senator Moore offered a substitute, entitled "An act to organize a force to be used in frontier counties." Read, and the Senate refused to adopt it.

(Mr. President in the chair.)

Senator Swift moved that the bill be considered by sections. Adopted.

Senator Swift offered the following amendment: Amend section one, line twelve, after the word "than," by striking out the word "seventy" and inserting the word "thirty." Lost.

Senator Swift offered the following amendment: In section one, line fifteen, strike out the word "seven" and insert the word "three." Lost.

Senator Dillard offered the following amendment: Strike out in section one, line fifteen, the words "seven hundred and fifty" and insert the words "six hundred." Lost.

Senator Moore offered the following amendment as a substitute for section one:

SEC. 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor of the State is hereby authorized to organize in each frontier county, which he may deem necessary, one company, of not less than ten nor more than thirty men; *provided,* the whole number of men shall not exceed seven hundred and fifty. Lost.

Senator Joseph offered the following amendment: Amend line eleven, by striking out the word "twenty-five," and inserting the word "twenty." Adopted.

Section one, as amended, was then adopted.

Senator Camp moved to strike out section two.

Senator Russell moved to adjourn. Lost. The question then recurring on the amendment, offered by Senator Camp, it was lost by the following vote:

Yeas—Senators Camp, Dillard, Erath, Morris, Moore, Parker and Swift—7.

Nays—Senators Allison, Ball, Bradshaw, Burton, Culberson, Davenport, Dwyer, Friend, Hobby, Joseph, Ledbetter, Randle, Russell, Stirman, Trolinger and Westfall—17.

Senator Bradley asked to be excused from voting.

On motion of Senator Allison, he was excused.

Senator Erath then offered the following as a substitute for section two. "That said company shall be raised from the county and surrounding counties on the frontier, designated by the Governor." Adopted.

Senator Swift moved to adjourn. Lost.

Senator Friend for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 148, "An act to limit the amount to be issued in bonds of the State to the International Railroad Company, and to provide for the payment of the same," and find it correctly engrossed.

W. R. FRIEND, for Committee.

The second section as amended was then adopted.

Senator Moore offered the following as a substitute for section three:

SEC. 3. That no company shall be mustered into the service of this State under the provisions of this act for a longer period at any one time than three months, and may be disbanded sooner by orders of the Governor, and any company once mustered into the service may be remustered when the three months expires, if deemed necessary by the Governor, and all men mustered into the service of the State under the provisions of this act, shall be paid only for each and every day in which they are engaged in actual service as such force, which service shall be sworn to and subscribed before some civil officer authorized to administer oaths.

Lost.

Section three was then adopted.

Senator Ledbetter moved to adjourn. Lost.

Section four was then read and adopted.

Senator Bradley moved to adjourn. Carried by the following vote:

Yeas—Senators Bradshaw, Bradley, Cul-

berson, Camp, Davenport, Dillard, Friend, Ireland, Joseph, Ledbetter, Morris, Moore, Parker, Randle, Russell and Swift—16.

Nays—Senators Allison, Ball, Burton, Dwyer, Erath, Stirman, Trolinger and Westfall—8.

FIFTY-SEVENTH DAY.

SENATE CHAMBER, J
AUSTIN, March 23, 1874. (

Senate met pursuant to adjournment.
Roll called; quorum present.

Prayer by the chaplain.

Journal of Saturday read and adopted.

On motion of Senator Erath, the door-keeper was excused for to-day on account of sickness.

Senator Joseph stated that Senator Trolinger had suddenly been called home on account of sickness in his family, and therefore moved that he be indefinitely excused. Granted.

Senator Friend, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 164, "An act to amend section eighteen of an act entitled 'An act concerning proceedings in the district court,'" passed sixteenth day of March, 1848, and took effect August 1, 1848, and find the same correctly engrossed.

W. R. FRIEND, for Committee.

Senator Westfall, for committee on Enrolled Bills submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined and compared Senate bill No. 49, "An act to regulate the testimony of witnesses in cases of bribery," and Senate bill No. 272, "An act making an appropriation for the per diem pay of members and the per diem pay of the officers and employees of the Fourteenth Legislature of the State of Texas," and find the same correctly enrolled and have this twenty-first day of March, at 1 P. M., 1874, presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

Senator Westfall presented a memorial from Julius Quast "asking payment of a pay certificate." read and referred to Judiciary committee.

Senator Ireland, Chairman Judiciary

committee, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee, to whom was referred Senate bill No. 59, together with the veto message of the Governor thereon,

respectfully submit a substitute for said bill, embracing the first, second, third, fourth, fifth, sixth, tenth and eleventh sections of said original bill, and recommend the passage of said substitute. The sections of the original bill not embraced in the substitute relate wholly to the issuance of bonds. The bill, as embraced in this substitute, is imperatively demanded by the country.

IRELAND, Chairman.

The title of the substitute referred to is: "An act to authorize and allow the several county courts in this State to build court houses and jails and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same."

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 225, "An act to regulate the redemption of real estate sold for taxes, or by virtue of execution," ask leave to return the same, and recommend that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary to whom was referred Senate bill No. 219, "An act to amend article 773 $\frac{1}{2}$ of the Penal Code," ask leave to return the same, and recommend that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary to whom was referred Senate bill No. 214, "An act for the relief of purchasers of Austin city lots, forfeited while they were absent in service in the army of the Republic," ask leave to return the same, and recommend that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary to whom was referred Senate bill No. 222, "An act to fix the fee of district clerks in certain cases," ask leave to return the same, and recommend that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary to whom was referred Senate bill No. 215, "An act to provide for the removal from office of district attorneys, county treasurers, and county surveyors," ask leave to return the same with the recommendation that it do not pass. The same subject is embodied in a pending bill.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary to whom was referred Senate bill No. 226, "An act to amend 'An act to amend first and fourth sections of 'an act to reduce into one and amend the several acts concerning executions,' approved January 27, 1842; approved June 4, 1873, ask leave to return the same